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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

v.

MICHELLE L. TIFFANY,

Defendant-Appellant.

Docket No. 30001

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent. Kenneth K. Jorgensen, Deputy Attorney General, argued.

This is an appeal from a judgment of conviction, following a jury trial, for the crime of involuntary manslaughter where the defendant-appellant smothered her infant son in an attempt to stop his crying. On August 5, 1999, appellant Michelle Tiffany's two-month-old son, Nathan, died. An autopsy performed the next day did not reveal any cause of death, and so the pathologist listed the cause as sudden infant death syndrome (SIDS).

At the end of June 2000, Tiffany told her husband that she had smothered Nathan by twice putting her hand over his nose and mouth to stop his crying. They decided to seek marital counseling concerning the matter. During their first counseling session on September 26, 2000, Tiffany disclosed to the counselor that she had killed Nathan by smothering him. The counselor then called Child Protective Services, who contacted the police. Two officers responded to the counselor's office and talked with Tiffany. After having her repeat her account of Nathan's death, the officers arrested her. The next day, a detective with the Kootenai County Sheriff's Department interviewed Tiffany while she was in custody. Her statement regarding the circumstances surrounding Nathan's death was consistent with what she had told the police officers the day before. She was subsequently charged with involuntary manslaughter.

Tiffany's trial commenced on March 13, 2001, and on March 15, 2001, the jury found Tiffany guilty of involuntary manslaughter. Tiffany timely appealed, and the Idaho Court of Appeals initially heard her appeal. It vacated Tiffany's conviction on the ground that the trial court had erred when instructing the jury regarding the meaning of the word "wilfully," which was used in the jury instructions defining both injury to a child and battery. The Idaho Supreme Court then granted the State's petition for review.

In an opinion released today, the Idaho Supreme Court affirmed the district court's judgment of conviction.